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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,500	10/23/2003	Yoon-Young Kim	1594.1313	6034
21171	7590	10/05/2005	EXAMINER	
STAAS & HALSEY LLP			ZEC, FILIP	
SUITE 700			ART UNIT	
1201 NEW YORK AVENUE, N.W.			PAPER NUMBER	
WASHINGTON, DC 20005			3744	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

TBXu

<b>Office Action Summary</b>	<b>Application No.</b> 10/690,500	<b>Applicant(s)</b> KIM ET AL.	
	<b>Examiner</b> Filip Zec	<b>Art Unit</b> 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-14 is/are allowed.
- 6) ☒ Claim(s) 1-4, 8, 10, 11 and 15-20 is/are rejected.
- 7) ☒ Claim(s) 5-7 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/03 and 8/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "pleasant" in claim 20 is a relative term, which renders the claim indefinite. The term "pleasant" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Essentially, there is no way to determine what is "pleasant" since the meaning of the term is subjective.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,094,934 to Rand et al. Rand teaches a refrigerator (10, FIG. 1), comprising a cabinet (12) defining a storage compartment therein (34), a machine room (38) defined at a top of the cabinet, a main intake vent (244, FIG. 4), located at an upper surface of the machine room and a main

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exhaust vent (246, FIG. 4), located at an upper surface of the machine room, wherein the main intake vent and the main exhaust vent are located so as to allow air to circulate through the machine room (col 8, line 51), wherein said machine room further comprises a compressor (128, FIG. 10), a condenser (122, FIG. 10) and a cool air circulation fan (124, FIG. 10), wherein the main intake vent, the condenser, the cool air circulation fan, the compressor, and the main exhaust vent are positioned sequentially along an air flow path (col 8, lines 42-52) and wherein the machine room is horizontally and longitudinally defined along a front portion of the top of the cabinet, with the main intake vent (244, FIG. 4) and the main exhaust vent (246, FIG. 4) provided side-by-side at the upper surface of the machine room (see FIG. 3 and FIG. 4).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 8 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,094,934 to Rand et al., in view of Japanese Patent JP 02-103366 A to Nakanishi et al. Rand discloses applicant's basic inventive concept, a refrigerator (10, FIG. 1), comprising a cabinet (12) defining a storage compartment therein (34), a machine room (38) defined at a top of the cabinet, a main intake vent (244, FIG. 4), located at an upper surface of the machine room and a main exhaust vent (246, FIG. 4), located at an upper surface of the machine room, wherein the main intake vent and the main exhaust vent are located so as to allow air to circulate through

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the machine room (col 8, line 51), wherein said machine room further comprises a compressor (128, FIG. 10), a condenser (122, FIG. 10) and a cool air circulation fan (124, FIG. 10), wherein the main intake vent, the condenser, the cool air circulation fan, the compressor, and the main exhaust vent are positioned sequentially along an air flow path (col 8, lines 42-52) and wherein the machine room is horizontally and longitudinally defined along a front portion of the top of the cabinet, with the main intake vent (244, FIG. 4) and the main exhaust vent (246, FIG. 4) provided side-by-side at the upper surface of the machine room (see FIG. 3 and FIG. 4), substantially as claimed with the exception of a noise buffering plate, dividing the machine room into a front chamber and a rear chamber, the noise buffering plate having a plurality of vent holes to allow air flow between the front chamber and the rear chamber. Nakanishi teaches a noise buffering plate (34, FIG. 4), dividing the machine room (33, FIG. 4) into a front chamber (35, FIG. 4) and a rear chamber (36, FIG. 4), the noise buffering plate having a vent hole (40, FIG. 4), to allow an air-flow between the front chamber and the rear chamber, to be old in the refrigeration art. Also, the applicant should note that even though Nakanishi does not disclose a plurality of Vent holes, a mere duplication of parts has no patentable significance, unless a new and unexpected result is produced, *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teaching of Nakanishi to modify the system of Rand, by adding a noise buffering plate, in order to provide for the noise attenuation, said noise being caused by the condenser and the compressor in the machine room (constitution).

7. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,094,934 to Rand et al., in view of Korean Patent Application KR 2001-010605 A to Kim.

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Rand discloses applicant's basic inventive concept, a refrigerator, substantially as claimed with the exception of said refrigerator further comprising a sub-intake vent and a sub-exhaust vent respectively provided at both side edges of the upper surface of the machine room. Kim teaches a sub-intake vent (51) and a sub-exhaust vent (49, 57) respectively provided at both side edges of the upper surface of the machine room (1) to be old in the refrigeration art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teaching of Kim to modify the system of Rand, by adding the auxiliary vent holes in order to provide better circulation of air in the machine room (novelty) and to provide for even better noise attenuation without deteriorating the refrigerator (detailed description).

#### *Allowable Subject Matter*

8. Claims 12-14 are allowed.
9. Claims 5-7 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 3,712,078 to Maynard, James G. teaches a refrigerating unit for a refrigerator that can be adapted by minor adjustment for mounting in refrigerating cabinets of different design.

U.S. Patent 3,736,768 to Harbour, Philip F. et al. teaches a machine compartment arrangement to improve cooling of the compressor and condenser therein by providing double, serially-arranged fans, the upstream one being arranged to draw air through the condenser, and the downstream one being arranged to direct air directly against the compressor.

U.S. Patent 5,199,273 to Silva, Robert K. et al. teaches a reach-in cooler with interchangeable refrigerator and freezer systems.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Filip Zec whose telephone number is (571) 272-4815. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Filip Zec  
Examiner  
Art Unit 3744

  
**CHERYL TYLER**  
**SUPERVISORY PATENT EXAMINER**

FZ